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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/604,784	06/26/2000	Reza Majidi-Ahy	164.1010.01	2773

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EXAMINER

STEVENS, ROBERTA A

ART UNIT PAPER NUMBER

2665

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. **K**

09/604,784

Applicant(s)

MAJIDI-AHY, REZA

Examiner

Roberta A Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,9-11,13-15 and 34-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-6,9-11,13-15 and 38-51 is/are allowed.
- 6) ☒ Claim(s) 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raissinia (U.S. 6430193 B1) in view of Menon (U.S. 2003/0008632 A1).
3. Regarding claim 34, Raissinia teaches (figures 1-5) a method including: determining first values for a plurality of first parameters (column 5, lines 30-35) and at least one second parameter (column 5, lines 2-6) for a communications link, the first parameters being associated with a first layer (Physical layer) of an OSI model communications system and the second parameter being associated with a second layer (MAC layer) of an OSI model communications system; sending first information using the first value (204, 206, 208) for the communication link, and the communication link being either an intracell or and intercell communication link; obtaining second information regarding characteristics of the communication link in response to a result of the steps of sending; and adjusting a plurality of the first values (power collision rate, error rate) in conjunction in response to the second information (column 7, lines 30-62), whereby further use of the communication link is responsive to the steps of adjusting (columns 5-8).
4. Raissinia does not teach a wireless connection between a base station controller and customer premise equipment; and a back haul connection between the base station controller and a non-wireless communication system.

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5. Menon teaches (fig. 1) a wireless connection between a base station controller and customer premise equipment; and a back haul connection between the base station controller and a non-wireless communication system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt to Raissinia's system Menon's backhaul process as a more economical means of traffic management.

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Raissinia in view of Yamamoto (U.S. 6252914 B1).

7. Regarding claim 35, Raissinia teaches (figures 1-5) a method including: determining first values for a plurality of first parameters (column 5, lines 30-35) and at least one second parameter (column 5, lines 2-6) for a communications link, the first parameters being associated with a first layer (Physical layer) of an OSI model communications system and the second parameter being associated with a second layer (MAC layer) of an OSI model communications system; sending first information using the first value (204, 206, 208) for the communication link, and the communication link being either an intracell or and intercell communication link; obtaining second information regarding characteristics of the communication link in response to a result of the steps of sending; and adjusting a plurality of the first values (power collision rate, error rate) in conjunction in response to the second information (column 7, lines 30-62), whereby further use of the communication link is responsive to the steps of adjusting (columns 5-8).

8. Raissinia does not teach sensing fading and multipath effects.

9. Yamamoto teaches (col. 2, line 64 – col. 3, line 11) sensing fading and multipath effects.

It would have been obvious to one of ordinary skill in the art at the time the invention was made

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to adapt to Raissinia's system, Yamamoto's sensing of fading and multipath effects so the transmission quality is not deteriorated.

10. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raissinia in view of Yamamoto (U.S. 6252914 B1) and further in view of Menon.

11. Raissinia and Yamamoto do not teach sensing fading and multipath effects.

12. Menon teaches (fig. 1) a wireless connection between a base station controller and customer premise equipment; and a back haul connection between the base station controller and a non-wireless communication system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to adapt to Raissinia and Yamamoto's system Menon's backhaul process as a more economical means of traffic management.

Allowable Subject Matter

13. Claims 1, 4-6, 9-11, 13-15 and 38-51 are allowed.

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00am-5:30pm.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens
Examiner
Art Unit 2665



STEVEN NGUYEN
PRIMARY EXAMINER